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*Mr. McConnell*

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-205961

DATE: March 4, 1982

MATTER OF: SES, Inc.

**DIGEST:**

An offeror whose proposal has been determined to be outside the competitive range is entitled, before award, only to a general explanation of the basis for the competitive range determination, not a full debriefing.

SES, Inc., protests the contracting officer's refusal to conduct a debriefing, before contract award, regarding the proposal it submitted under solicitation No. DTFA01-81-R-15475 issued by the Federal Aviation Administration (FAA). The solicitation is for avionics and avionics-related system studies. The contracting officer advised SES that its proposal was determined to be outside of the competitive range, and agreed to furnish the details of that determination after the contract is awarded. SES protests that it should be provided a preaward debriefing to insure that its proposal was evaluated properly before the competition is concluded.

We deny the protest. SES essentially wants to be given the chance, prior to award, to explain whatever weaknesses the FAA evaluators perceived existed in the firm's proposal. That type of discussion, however, is reserved to firms within the competitive range. Federal Procurement Regulations (FPR) § 1-3.805-1 (1964 ed.). SES's exclusion from the competitive range reflects the FAA's determination that its proposal was not acceptable and not even susceptible of being made so through negotiations. Offerors whose proposals are so deficient are limited under procurement regulations to post-award

debriefings, FPR § 1-3.802-2(g). Before award, firms in SES' position are only entitled to a general explanation of the basis for the competitive range determination, FPR § 1-3.103(b).

Of course, if a firm has reason to believe, before award, that its proposal improperly has been excluded from the competitive range, it can file a protest on the matter with our Office, within the time limits set out in our Bid Protest Procedures, 4 C.F.R. § 21.2 (1981). In that case, the contracting agency will respond with a documented explanation of its decisions and will withhold the award (unless it can invoke certain exceptions) until the protest is resolved. See 4 C.F.R. § 21.3.

The protest is denied.

*Milton J. Fowler*  
for Comptroller General  
of the United States